IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1366 OF 2005

Mrs. Maya S. Khandelwal & Ors. ..Petitioners

versus

Prakash R. Oswal & Anr. ..Respondents

Mr. N. V. Vechalekar for the Petitioners.

Mr. S. R. Nargolkar i/b. R. M. Patne for the Respondent No.1.

Mrs. S. D. Shinde, APP for the Respondents - State.

CORAM : D. G. DESHPANDE, J.

DATE : 1ST AUGUST, 2006

P.C. :

1. Heard Advocate for the Petitioners, the Respondent No. 1 and the learned APP for the State. Rule. Returnable forthwith, by consent.

2. The Petitioners have challenged the order of JMFC No.8, Link, Pune, in Criminal Complaint No. 1539 of 2001 dated 8.3.2005.

3. Accused Nos. 1 and 2 filed an application

recalling the complainant for further cross examination on the ground that some important questions were to be put to the complainant. In fact, the accused - applicants have not given any details what are the reasons for recall. However, considering the right of the accused and the stage, the trial court should have allowed that prayer. Therefore, this petition is allowed. The impugned order of the Magistrate declining them permission for re-cross examination of the witness - complainant by the accused, is set aside.

4. Parties to appear before the trial court on 10.8.2006. On that day the complainant will be permitted to be cross examined by the accused who have applied to the trial court for that purpose. Any attempt by the accused to protract and delay the proceedings will be frustrated by the Magistrate and no adjournments on that count will be granted. If at all accused are not ready to further cross examine the complainant on the date of appearance they will be deemed to have waived their right. Petition disposed of accordingly. Rule made absolute.

(D.G. DESHPANDE, J.)